

AMENDED IN SENATE JUNE 18, 2003  
AMENDED IN ASSEMBLY MAY 22, 2003  
AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 302**

**Introduced by Assembly Member Chan**  
**(Coauthors: Assembly Members Koretz, Lieber, Longville,**  
**Montanez, Nation, Pavley, and Steinberg)**

February 6, 2003

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An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

### LEGISLATIVE COUNSEL'S DIGEST

AB 302, as amended, Chan. Polybrominated diphenyl ether.

Existing law, the California Hazardous Substances Act, prohibits the manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale within the State of California, of a package of a misbranded hazardous substance or banned hazardous substance.

~~This bill would require a polybrominated diphenyl ether (PBDE) manufacturer on and after March 1, 2005, to mark all products containing pentaBDE or octaBDE with a specified label. The bill would prohibit, on and after January 1, 2008, a person from manufacturing, processing, or distributing in commerce a product containing more than 1/10 of 1% pentaBDE or octaBDE, by mass.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 10 (commencing with Section 108920)  
is added to Part 3 of Division 104 of the Health and Safety Code,  
to read:

CHAPTER 10. POLYBROMINATED DIPHENYL ETHERS

108920. The Legislature finds and declares all of the  
following:

(a) Chemicals known as brominated flame retardants (BFRs)  
are widely used in California. To meet stringent fire standards,  
manufacturers add BFRs to a multitude of products, including  
plastic housing of electronics and computers, circuit boards, and  
the foam and textiles used in furniture.

(b) Polybrominated diphenyl ether (PBDE), which is a  
subcategory of BFRs, ~~have~~ has increased 40 fold in human breast  
milk since the 1970s. Women in California carry more PBDEs in  
their bodies than anyone else studied in the world.

(c) PBDE has the potential to disrupt thyroid hormone balance  
and contribute to a variety of developmental deficits, including  
low intelligence and learning disabilities. PBDE may also have the  
potential to cause cancer.

(d) Substantial efforts to eliminate BFRs from products have  
been made throughout the world, including private and public  
sectors. These efforts have made available numerous alternatives  
safe to human health while meeting stringent fire standards. To  
meet market demand, it is in the interest of California  
manufacturers to eliminate the use of BFRs.

(e) In order to protect the public health and the environment,  
the Legislature believes it is necessary for the state to develop a  
precautionary approach regarding the production, use, storage,  
and disposal of products containing brominated fire retardants.

108921. For purposes of this chapter, the following  
definitions apply:

~~(a) "DecaBDE" means decabrominated diphenyl ether.~~

~~(b)~~

1 (a) “OctaBDE” means octabrominated diphenyl ether.

2 ~~(e)~~

3 (b) “PBDE” means polybrominated diphenyl ether.

4 ~~(d) “PBDE manufacturer” means a person who produces or~~  
5 ~~imports into the state a product that contains PBDE.~~

6 ~~(e)~~

7 (c) “PentaBDE” means pentabrominated diphenyl ether.

8 108922. ~~(a) On and after March 1, 2005, a PBDE~~  
9 ~~manufacturer shall mark a product that contains pentaBDE or~~  
10 ~~octaBDE with a label that reads as follows:~~

11 ~~This product contains polybrominated diphenyl ethers~~  
12 ~~(PBDEs), chemicals that can bioaccumulate in people’s bodies and~~  
13 ~~cross the placenta. Exposure to PBDEs may have the potential to~~  
14 ~~impair proper brain development.~~

15 ~~(b) On and after January 1, 2008, a person may not~~  
16 ~~manufacture, process, or distribute in commerce a product~~  
17 ~~containing any amount of pentaBDE or octaBDE: more than one~~  
18 ~~one-tenth of a percent of pentaBDE or octaBDE, by mass.~~

